

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

TERRANCE T. PASCHAL,	:	
Plaintiff,	:	
	:	Case No. 3:10cv00447
	:	
vs.	:	District Judge Timothy S. Black
	:	Magistrate Judge Sharon L. Ovington
MICHAEL J. LeMASTER, et al.,	:	
	:	
Defendants.	:	
	:	

DECISION AND ORDER

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no Objections have been filed thereto and that the time for filing such Objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** in full said Report and Recommendations.

It is therefore **ORDERED** that:

1. The Report and Recommendations filed on December 2, 2010 (Doc. #3) is **ADOPTED** in full;
2. Plaintiff's Complaint is **DISMISSED** without prejudice to filing in state court;
3. The Court certifies pursuant to 28 U.S.C. §1915(a)(3) that for the reasons set forth in the Report and Recommendations, an appeal of this Decision and Order would

not be taken in good faith, and consequently, leave for Plaintiff to appeal *in forma pauperis* is DENIED; and

4. The case is terminated on the docket of this Court.



Timothy S. Black
United States District Judge